UNITED
NATIONS

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S/1996/346
10 May 1996
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 10 MAY 1996 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF THE LIBYAN ARAB JAMAHIRIYA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Further to my letter No. 672 of 8 May 1996 (S/1996/342) transmitting a letter from Mr. Omar Mustafa Al-Muntasser, Secretary of the General People's Committee for Foreign Liaison and International Cooperation of the Libyan Arab Jamahiriya, concerning statements being made by officials of the United States Administration regarding the taking of military action against the Libyan Arab Jamahiriya, I should like to bring to your attention a selection of articles which have appeared in the United States press. They reflect the intention harboured by the United States of America of undertaking military action against my country. I am also enclosing a copy of the letter from Member of Congress Elizabeth Furse addressed to President Clinton, in which she expresses her concern that the United States Administration is advocating using a nuclear weapon to destroy an alleged chemical weapons plant in Libya.

I should be grateful if you would have this letter and its annexes circulated as a document of the Security Council.

(Signed) Ali Sunni MUNTASSER
Deputy Permanent Representative
Chargé d'affaires a.i.

96-12088 (E) 130596 130596 140596

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Annex

ELIZABETH FURSE
1st District, Oregon

COMMITTEE:
COMMERCE

SUBCOMMITTEE ON COMMERCE, TRADE, AND HAZARDOUS MATERIALS

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

SUBCOMMITTEE ON TELECOMMUNICATIONS AND FINANCE

Congress of the United States
House of Representatives
Washington, DC 20515–3701

District Office:
[redacted]

Toll Free [redacted]

Washington Office:
[redacted]

May 3, 1996

The Honorable William J. Clinton
President of the United States of America
The White House
Washington, DC 20500

Dear Mr. President:

I am writing to express my deep concern that your Administration is advocating using a nuclear weapon to destroy Libya's suspected chemical weapons plant. Any consideration of using a nuclear weapon is simply unacceptable.

It was very troubling to me that Harold Smith, Assistant to the Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs, suggested last week that the U.S. might use a nuclear weapon in the case of Libya. It has been a matter of U.S. policy since 1978 that we will not use nuclear weapons against any country that has signed the Nuclear Non-Proliferation Treaty. Libya is a signatory to that treaty.

In your State of the Union address this year, you stressed the need for a Comprehensive Test Ban. Administration officials talking about using a nuclear weapon damages the likelihood of achieving a CTB. Moreover, Mr. Smith's proposal stands in direct opposition to the stance taken by the U.S. on April 11 of this year when we signed the protocol associated with the African Nuclear Weapons-Free Zone Treaty. That protocol says we will not threaten the use of nuclear weapons against signers of the treaty, of which Libya is one.

Finally, I believe this tactic circumvents the spirit if not the letter of the legislation I passed last year requiring Nuclear Weapons Council approval of any new nuclear weapons development.

I look forward to hearing from you regarding what actions you plan to take to prevent this kind of irresponsible discussion.

Sincerely,

Elizabeth Furse

Elizabeth Furse
Member of Congress

PRINTED ON RECYCLED PAPER

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U.S. warns it would destroy Libyan facility

WASHINGTON — The Clinton administration stepped up its threat against a suspected Libyan chemical weapons plant Thursday, publishing an artist's rendition of the underground facility and asserting that America has the high-tech weapons needed to destroy it.

At a Pentagon briefing, Defense Secretary William J. Perry all but encouraged reporters to take his warning last week — that the United States would not permit Libya to complete construction of the facility — as an outright threat to bomb the plant if necessary.

"You know the announcement and the statement that I have made on that," Perry said. "If you want to consider that a warning to Libya, you can so consider it."

Washington charges that a plant being built inside a mountain at Tarhunah, 40 miles southeast of the Libyan capital of Tripoli, is a chemical weapons facility.

As Perry made his thinly veiled threat, other U.S. officials dismissed suggestions by some experts that the United States does not yet have the ground-penetrating munitions to wipe out the plant. They cited the GBU-28, a 4,700-pound laser-guided bomb developed during the Persian Gulf War, as one possibility. The weapon can penetrate through more than 100 feet of earth or 22 feet of hardened concrete, they said — presumably enough to knock out or destroy the Libyan facility.

The rhetoric coincided with Libya's offer to begin talks "without preconditions" about the U.S. charges. Omar Muntasser, Libya's foreign minister, dismissed the allegations Thursday as "another lie by U.S. intelligence." But he said Libya is willing to discuss the accusations "with any country who will agree to talk to us."

U.S. officials said later that Perry had not intended to suggest that a U.S. bombing raid on Libya is imminent. They said the United States would first seek to block construction of the plant through diplomatic measures, pressuring foreign suppliers and technicians.

"There are many ways to attack these capabilities," Army Lt. Gen. Patrick Hughes, director of the Defense Intelligence Agency, told reporters at a briefing. "We don't merely have to drop a bomb on them."

— FROM NEWS SERVICE REPORTS

THE RECORD

LIBYA

Targeting a Buried Threat

MUAMMAR KADDAFI THINKS the chemical-weapons plant he's building inside a mountain 45 miles from Tripoli will be impervious to anything but nuclear attack. Officially the Clinton administration hopes the Libyan leader can be persuaded to abandon the project. But Defense Department planners have stepped up work on new bombs and warheads that burrow deep underground before exploding. Even without a new weapon, DOD sources

Not so safe: Kaddafi

say, U.S. forces could take out the facility. NEWSWEEK has learned that the options being considered include:

- The "Tutankhamen effect"—precipitating a rock slide to bury the entrances to the tunnels leading into the mountain.
- Destroying the plant by causing an explosion that would suck all the oxygen out of the underground chambers.
- Contaminating the complex so it is unusable for years.
- Direct assault. "We could be knocking on the doors of the place before Kaddafi even knew we were coming," says a DOD source.

Says one senior official: "That plant is not going to be allowed to operate."

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The NEW YORK TIMES

19th April, 1996

On My Mind

A. M. ROSENTHAL

Relaying Warning To Libya

WASHINGTON

Deep inside a mountain, Libya is building the world's largest underground poison gas plant. Short of a bombing raid, which the United States is preparing for if it comes to that, the Clinton Administration is doing everything it can to deliver a message to Col. Muammar el-Qaddafi: Stop while you have the chance.

Those are some of the realities that make Libya and its chemical weapons program a major security issue and a critical military and diplomatic planning operation for the U.S. And these are four others:

1. Any debate inside the Government about whether the U.S. should use military power if needed to prevent the plan from going into operation is over. The conclusion is that Libya wants the plant as a shortcut to Mideast power. The colonel would become the quartermaster of poison gas and mustard gas weapons for terrorist groups and such countries as Iran and North Korea. Then the spread of chemical weapons would make them, like land mines, a military plague beyond effective containment — but with mass loss of life.

2. Using European products, Asian go-betweens and Iranian money, Libya built the plant so deep into the mountain that the U.S. does not now have acceptable military weapons to destroy it. Unhappily, the U.S. did not fully comprehend what was going on

Qaddafi: Read the no-guarantees clause.

until it became impossible to knock the plant out with acceptable weapons already in the arsenal.

3. Bombing by large nuclear weapons is not acceptable. The danger of drifting radioactive fallout is so terrifying that it has been ruled out.

But as a last resort, the use of a "small" nuclear weapon that could penetrate the mountain and destroy the plant without exterior fallout has not been dismissed. The U.S. expects to have such a weapon by 1997 — a year before the plant might go into operation.

4. More likely would be a non-nuclear bomb that after penetration of the mountain would detonate another, spreading fire. The twin bomb would not destroy the plant. But it would put it out of operation long enough to give the colonel a choice: Shut the place down or invite more raids.

So far, in two tests at White Sands, N.M., the fuse of the second bomb did not work. Research and testing go on.

Meanwhile Washington is trying to stop Colonel Qaddafi from completing the plant, at Tarhunah, without the U.S. having to take military action. By the time Washington discovered the full extent of the plant in 1992, a couple of years after work began, it was three underground stories high, thousands of square feet large, a network of caverns connected by two-way truck-wide lanes.

For about three years the counter-operation was secret — an effort to break Libyan foreign supply lines. Huge earthmovers and drills were sold by Europeans to middlemen in Asian countries, bomb-shelter blueprints may have come from Russia, and "dual-use" chemicals arrived from around the world — "peaceful" in themselves but part of the first stage of making poison gases.

Washington believes it broke enough supply-line connections to slow the Libyans down, but not enough to stop them.

Now the U.S. has gone public with warnings it will not allow the plant to go into operation. Defense Secretary William Perry, intelligence chief John Deutch and Gen. John Shalikashvili, Chairman of the Joint Chiefs of Staff, have delivered them. The U.S. is trying to build a coalition of Arab and European leaders to persuade Libya to stop, or at least support America politically if military action is needed. (There's some talk of economic "inducements," but a Marshall plan for Libya would not make Americans cheer.)

That's the American double track — avoid attack on the plant if possible, but prepare for it unless construction ends. Washington wants the colonel to know all that.

I think that's why I was able to gather much of the material for this column, after I wrote my first on the danger of the plant on Feb. 27. If so, I am glad to be part of the warning to Libya.

I also think I was encouraged to believe next year is the cutoff point of U.S. patience. But the U.S. officials I dealt with are extremely sophisticated. Could it be, colonel, that an attack might come earlier so you better stop now? No guarantees on American timing go with this column's conveyed message. □

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LETTER DATED 27 FEBRUARY 1996 FROM THE PERMANENT REPRESENTATIVE OF ITALY TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On behalf of the European Union I have the honour to transmit to you herewith a declaration of the Presidency of the European Union on the bomb attacks in Jerusalem and Ashqelon, issued on 26 February 1996.

I would be grateful if you could have the text of the present letter and its annex circulated as a document of the Security Council.

(Signed) F. Paolo FULCI
Permanent Representative

96-12116 (E) 130596 140596

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Annex

[Original: English and French]

Declaration of the European Union on the bomb attacks in Jerusalem and Ashqelon

The European Union expresses its revulsion at the criminal and cowardly attacks perpetrated on 25 February in Jerusalem and Ashqelon. It condemns in the strongest terms these acts of terrorism. It sends its sincere condolences to the families of the victims and to the Government and people of Israel and expresses its hopes for the recovery of the wounded.

Decisive action is required by everybody who is in a position to control or combat the terrorist elements opposed to the peace process. The European Union acknowledges the efforts which the Palestinian Authority and President Arafat have already made to combat terrorism, but urges on them the need to make them more effective and to step up their action in this regard in line with the Oslo agreements.

At this sad moment, the European Union reaffirms its conviction and hope that those in favour of the peace process will continue to take it forward. Otherwise they will play into the hands of the criminals who have committed these and previous attacks and those who oppose the peace process. The European Union pays tribute to all those courageous leaders who have chosen the way of dialogue and peace and are upholding it and reaffirms its full support for them.

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13 May 1996

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GENERAL ASSEMBLY
Fiftieth session
Agenda item 55
QUESTION OF CYPRUS

SECURITY COUNCIL
Fifty-first year

Letter dated 7 May 1996 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 6 May 1996, addressed to you by H.E. Mr. Osman Ertuğ, Representative of the Turkish Republic of Northern Cyprus.

I should be grateful if the text of the present letter and its annex could be circulated as a document of the fiftieth session of the General Assembly, under agenda item 55, and of the Security Council.

(Signed) Hüseyin E. ÇELEM
Permanent Representative

96-12205 (E) 140596 150596

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Annex

Letter dated 6 May 1996 from Mr. Osman Ertuğ addressed to the Secretary-General

Upon instructions from my Government, I have the honour to refer to the letter dated 11 April 1996 addressed to you by the Greek Cypriot Representative at the United Nations, which contains allegations regarding "violations of the airspace of the Republic" (A/50/934-S/1996/283).

Like all previous similar allegations by the Greek Cypriot administration, those contained in the said letter are totally baseless and, hence, are rejected in toto. In response to these much repeated allegations of the Greek Cypriot side, I wish to reiterate, once more, that flights within the airspace of Northern Cyprus are with the full knowledge and consent of the appropriate authorities of the Turkish Republic of Northern Cyprus, over which the Greek Cypriot usurpers of the seat of government have no jurisdiction or right of say. Since those allegations have already been refuted in my successive previous communications addressed to you, most recently in my letter dated 5 December 1995 (A/50/808-S/1995/1016), I need not go into them in further detail. Suffice to say that charges such as those contained in the said letter are designed purely for propaganda purposes and in order to divert attention from the continuing militarization campaign in southern Cyprus.

Indeed, hardly a day passes without reports of new additions being made to the Greek Cypriot military arsenal. For instance, the Greek Cypriot press of 19 April 1996 has reported that, within the context of the "military technical cooperation" agreement signed between the Russian Federation and the Greek Cypriot administration on 22 March 1996, the latter will be purchasing 27 T-80U tanks, 14 T-80K tanks and some other military equipment from the Russian Federation, involving a spending of $200 million. The said agreement also involves the procurement by the Greek Cypriot side of a further number of T-80 tanks, 50 BMP-3 armoured personnel carriers and S-300 missile systems, as well as the training of Greek Cypriot military personnel, who will operate the said weapons systems. Joint ventures for the establishment of weapons production facilities in southern Cyprus are also said to be among the provisions of the agreement, and this was confirmed by the Russian Ambassador in Nicosia, Mr. Boris Zenkov, after a meeting he had with the Greek Cypriot leader, Mr. Clerides, on 2 May 1996.

In the meantime, Mr. Cassoulides, the official spokesman of the Greek Cypriot administration, has confirmed that in the context of the so-called "joint defence doctrine" the construction in south Cyprus of an air force base for Greece is effectively under way, and that the existing Paphos airport has already been closed to civilian air traffic for this purpose.

In view of the foregoing, it must be evident that the Greek Cypriot side is engaged in an effort to create, through unfounded propaganda and misrepresentation of facts, a smokescreen for its militarization campaign against the Turkish Cypriot side and Turkey, and has lost all interest in negotiations aimed at an overall settlement of the Cyprus question. I trust

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that the international community will impress upon the Greek Cypriot side that this adversarial posture is fraught with danger and that the Cyprus question can only be settled through peaceful dialogue.

I should be grateful if the present letter could be circulated as a document of the General Assembly, under agenda item 55, and of the Security Council.

(Signed) Osman ERTUG
Representative
Turkish Republic of Northern Cyprus

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13 May 1996
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 13 MAY 1996 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 9 May 1996 addressed to you by Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

96-12199 (E) 140596 150596

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Annex

Letter dated 9 May 1996 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General

I have the honour to inform you that United States and British warplanes are continuing to violate the airspace of the Republic of Iraq and to carry out acts of aggression, provocation and incitement in civilian areas in northern and southern Iraq.

1. At 1400 hours on 26 April 1996, a United States aircraft dropped an incendiary phosphorous substance with a detonator for the purpose of setting fire to crops in the Karkhush area of northern Iraq.

2. At 0930 hours on 27 April 1996, a United States aircraft dropped hostile and inflammatory leaflets in the Dayr district near Basra.

3. At 0800 hours on 28 April 1996, two enemy aircraft approaching from Kuwait violated Iraqi airspace. One of them dropped hostile leaflets in the Kutayban area and the other flew towards the Safwan area in Basra Governorate.

4. At 0815 hours on 28 April 1996, an enemy aircraft dropped hostile and inflammatory leaflets near the Nashwah area in Basra Governorate.

5. At 0830 and 1005 hours on 28 April 1996, four United States helicopters approaching from Kuwaiti airspace violated Iraqi airspace and dropped hostile and inflammatory leaflets in parts of Basra Governorate. They then returned towards Kuwaiti airspace, flying at a speed of 180 kilometres per hour and at an altitude of 1,000 metres.

6. At 0930 hours on 28 May 1996, an enemy aircraft approaching from Kuwait violated Iraqi airspace near Jabal Sanam and dropped hostile and inflammatory leaflets on Basra international airport.

7. At 1700 hours on 28 April 1996, a United States aircraft approaching from Kuwait violated Iraqi airspace and dropped hostile and inflammatory leaflets in the Nashwah area in Basra Governorate.

I request you to intervene with the countries in question, as required by your responsibility under the Charter of the United Nations, with a view to ensuring that these activities are halted and not subsequently repeated. They pose a threat to the sovereignty and territorial integrity of the Republic of Iraq; they alarm the civilian population and cause damage to private and public property; and they constitute gross violations of the Charter of the United Nations and the norms of international law.

I also affirm the legally established right of the Republic of Iraq to seek compensation, in accordance with the principle of international liability, for the material and moral damage sustained by the people of the Republic of Iraq as a result of such acts.

I request circulation of this letter as a document of the Security Council.

(Signed) Mohammed Said AL-SAHAF
Minister for Foreign Affairs
of the Republic of Iraq

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15 May 1996
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 14 MAY 1996 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF IRAQ TO THE UNITED NATIONS
ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to inform you that violations of Iraq's airspace by United States, British and French aircraft continued over the period 15-30 April 1996 and that those aircraft carried out reconnaissance and engaged in acts of provocation. The details are as follows:

1. In the northern region 79 sorties were flown at speeds of 600 to 900 kilometres per hour and at altitudes of 6,000 to 9,000 metres over the following Iraqi cities and towns: Mosul, Irbil, Dohuk, Zakho, Aqrah, Amadiyah and Tall Afar.

2. In the southern region 980 sorties were flown at speeds of 600 to 900 kilometres per hour and at altitudes of 6,000 to 9,000 metres over the following Iraqi cities and towns: Nasiriyah, Samawah, Jalibah, Artawi, Busayyah, Qurnah, Chabaish, Khidr, Shatrah, Hamzah, Qal'at Salih, Basra, Salman, Amarah, Shanafiyah and Lasaf.

3. On 19 occasions a United States TR-1 reconnaissance aircraft flying at speeds of 600 kilometres per hour and at altitudes of 20,000 metres violated the Republic of Iraq's airspace in the southern region before leaving in the direction of Kuwait.

4. At 1225 hours and 1258 hours on 26 April 1996 a hostile formation dropped 15 heat flares 20 kilometres south of Dohuk, five heat flares 20 kilometres east of Saddam Dam and 10 heat flares on the Qush region in Ninawa Governorate.

5. At 0920 hours on 27 April 1996 a hostile aircraft dropped leaflets over the Dayr region in Basra Governorate.

6. Between 0830 hours and 1005 hours on 28 April 1996 four hostile helicopters coming from Kuwaiti airspace at speeds of 180 kilometres per hour dropped enemy leaflets over parts of Basra and Safwan in Basra Governorate and returned in the direction of Kuwaiti airspace.

You are requested to intervene with the States in question with a view to bringing a halt to actions that, as flagrant violations of the Charter of the United Nations and the norms of international law, pose a threat to the sovereignty and territorial integrity of the Republic of Iraq.

These actions continue to alarm the civilian population and to cause serious damage to private and public property. The Republic of Iraq asserts its right to seek legal compensation for the damage being inflicted on the Iraqi people and the Iraqi State.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Saeed H. HASAN
Chargé d'affaires a.i.

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15 May 1996

ORIGINAL: ENGLISH

LETTER DATED 13 MAY 1996 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On behalf of the Unified Command established pursuant to Security Council resolution 84 (1950) of 7 July 1950, I have the honour to submit a report of the United Nations Command concerning the status of the Korean Armistice mechanism and the activities of the United Nations Command Military Armistice Commission (see annex). It updates the last report submitted to the Security Council on 23 February 1995 (S/1995/156, annex).

I request that the present letter, together with the enclosed report of the United Nations Command, be circulated as a document of the Security Council.

(Signed) Madeleine K. ALBRIGHT

96-12360 (E) 220596

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Annex

Report of the activities of the United Nations Command for 1995

I. UNITED NATIONS COMMAND AND ITS MISSION

1. United Nations Security Council resolution 82 (1950) of 25 June 1950 determined that the armed attack upon the Republic of Korea (ROK) by forces of the Democratic People's Republic of Korea (DPRK) constituted a breach of the peace and called for an immediate cessation of hostilities. It further called upon the authorities of the DPRK to recall forthwith their armed forces to North Korea. In its resolution 83 (1950) of 27 June 1950, the Council, having noted that the authorities of the DPRK had neither ceased hostilities nor recalled their armed forces north of the 38th parallel, recommended that the Members of the United Nations furnish such assistance to the ROK as would be necessary to repel the armed attack and restore international peace and security in the area. Articles 39 and 42 of the Charter of the United Nations authorize Member States to create international armed forces to combat aggression and restore peace. Based on this authority, Security Council resolution 84 (1950) of 7 July 1950 recommended that all Member States make military forces and other assistance available to a unified command; requested the United States designate a commander for the unified command; and directed the unified command to provide the Security Council with reports, as appropriate, on the course of action taken under the unified command.

(a) While looking at events within the constraints of an annual period does impose some artificiality, the present report provides a synopsis of the events of 1995 and attempts to convey objectively the impact of those events upon the efforts of the United Nations Command (UNC) in maintaining the Korean Armistice Agreement.

(b) The authority granted the UNC by the Security Council also included the authority to negotiate a military armistice to end the fighting on a basis consistent with United Nations objectives and principles. The Commander-in-Chief, United Nations Command (CINCUNC), signed the Korean Armistice Agreement on 27 July 1953 on behalf of all the forces of the 16 participating Member States of the United Nations and those of the ROK, which had also fought under the flag of the United Nations. This Armistice Agreement, a military agreement between the opposing military commanders without a fixed expiration date, was intended to stop the Korean conflict and ensure a complete cessation of hostilities. It created a 4-kilometre wide Demilitarized Zone (DMZ), which ran 151 miles across the entire width of the Korean Peninsula between the combatants. This DMZ, in turn, was further divided 2 kilometres in from each side by a Military Demarcation Line (MDL). Either side was permitted access to its 2-kilometre portion of the DMZ but was expressly prohibited from crossing the MDL.

(c) The Armistice Agreement was intended to make possible a final peaceful settlement and assumes that this end will, in good faith, be pursued. In its resolution 811 (IX) of 11 December 1954, the General Assembly noted paragraph 62

of the Armistice Agreement, which provides that the Agreement "shall remain in effect until expressly superseded either by mutually acceptable amendments and additions or by provision in an appropriate agreement for a peaceful settlement at a political level between both sides". The Assembly also reaffirmed that the objectives of the United Nations remained the achievement by peaceful means of a unified, independent and democratic Korea and the full restoration of international peace and security in the area. Pursuant to paragraph 17 of the Armistice Agreement, all CINCUNC successors in command are responsible for compliance with, and enforcement of, the terms and provisions of the Armistice Agreement.

(d) Today, the UNC continues to carry out its functions and fulfil its obligations under the mandate of the Armistice Agreement and will continue this mission until a durable peace is achieved through political dialogue by the parties directly concerned with the Korean conflict. Of the original 16 Member States of the United Nations that provided military forces to the UNC during the Korean War, nine nations are represented today. They are Australia, Canada, Colombia, France, New Zealand, the Philippines, Thailand, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

II. ARMISTICE MECHANISM AND PROCEDURES

2. The Armistice Agreement is the only legal regime for maintaining the cease-fire between the opposing military forces in Korea and affects the actions of both sides in the conflict. It must be preserved until a more durable peace is achieved. The Armistice Agreement provisions are military in character and pertain solely to the belligerents in Korea. CINCUNC signed the Armistice Agreement on behalf of all military forces under the unified command and the Supreme Commander of the Korean People's Army (KPA) and the Commander of the Chinese People's Volunteers (CPV) signed the agreement on behalf of the communist forces. It is the responsibility of the opposing military commanders to enforce the cease-fire by all forces in Korea and establish "measures and procedures" to ensure compliance. In this connection, the opposing military commanders must maintain effective communications to preclude possible incidents and de-escalate the situation in the event incidents occur.

A. Military Armistice Commission

3. The Military Armistice Commission (MAC) was established by the Armistice Agreement "to supervise the implementation of this Armistice Agreement and to settle through negotiations any violations of this Armistice Agreement". The MAC was created as a joint organization without a chairman, composed of 10 military members: 5 senior officers from the UNC and 5 senior officers from the KPA/CPV. In accordance with paragraph 20 of the Armistice Agreement, CINCUNC appoints five senior officers, historically drawn from the ROK, the United States, the United Kingdom and other United Nations Member States still represented in the UNC. MAC meetings may be held at the request of either side in the Joint Security Area (JSA), more commonly known as Panmunjom, in the Korean DMZ. On 28 April 1994, however, the KPA MAC Secretary announced the KPA would cease participation in all MAC activities.

(a) The Armistice Agreement of 1953 empowered each side to appoint a Secretary, an Assistant Secretary and other special assistants as required to perform functions in support of the MAC. Under the Armistice Agreement, UNC and KPA/CPV MAC Secretaries are authorized to conduct their own meetings as required, which normally serve as the basic channel of communication between both sides.

(b) The Joint Duty Office (JDO) under the MAC Secretariat, located in the JSA, maintains 24-hour telephone communications between both sides. Until April 1994, the Joint Duty Officers normally also met as required. On 28 April 1994, however, the KPA MAC Secretary delivered a message to the UNC that stated that the KPA had decided to recall all remaining KPA MAC members and MAC staff personnel, to cease participation in MAC activities and no longer to recognize the UNCMAC as a counterpart. Further, the KPA announced its intention to withdraw all support for the Polish delegation to the Neutral Nations Supervisory Commission (NNSC) and its intention to send a "new team" appointed by its Supreme Commander to contact the "US military" to discuss pending military issues, including a new "durable peace ensuring system" to replace the MAC.

(c) On 1 September 1994, the Foreign Ministry of the People's Republic of China (PRC) announced in Beijing it had decided to recall its delegation to the MAC at Panmunjom. This followed the example set earlier in 1994 by the KPA, when it withdrew its delegation. On 15 December 1994, the CPV delegation departed Pyongyang for Beijing. This decision by the KPA/CPV to abandon the provisions of the MAC could lead to an increase in minor incidents with the potential to escalate into a more serious situation.

(d) During a meeting requested by the UNC for 2 March 1995, UNC representatives to the MAC presented the credentials of Colonel Ashton H. Ormes, incoming Secretary for UNCMAC to the KPA (see appendix I). The KPA representatives, however, rejected the credentials.

(e) The MAC is authorized by paragraph 27 of the Armistice Agreement to dispatch joint UNC-KPA/CPV observer teams to investigate reported violations of the Armistice Agreement occurring within the DMZ. The KPA have, however, frustrated this important investigative function by continuously refusing to participate in the investigations proposed by the UNC. They have failed to participate in joint investigations of more than 170 serious incidents in the DMZ since April 1967. However, the UNC continues to dispatch its observer teams into the UNC portion of the DMZ to ensure UNC forces are in compliance with the Armistice Agreement and is prepared to conduct unilateral investigations of alleged armistice violations reported to have occurred in the DMZ. UNC liaison officers from the United Nations Member States still represented in the UNC, namely, Australia, Canada, Colombia, France, the Philippines, Thailand and the United Kingdom - which, in Korea, also represents New Zealand - and the United States, participate together with officers from the ROK Advisory Group in these UNC Special Investigative Team (SIT) activities in the DMZ. In 1995, despite numerous reports from the Korean Central News Agency (KCNA) to the contrary, the DMZ has remained relatively quiet. Notwithstanding, the UNC dispatched its joint observer teams to UNC guard posts within or along the DMZ on 74 occasions

in 1995 to supervise the implementation of the Armistice Agreement provisions pertaining to the DMZ.

B. UNCMAC Senior Member

4. In accordance with paragraph 20 of the Korean Armistice Agreement, CINCUNC appointed Major-General Lee Suk-bok, ROK Army, as the UNCMAC Senior Member (spokesman), effective 22 September 1995. The KPA, however, has repeatedly refused to meet with the Senior Member of the UNC component of the MAC, saying "the South Korean Army is neither a signatory to the Armistice Agreement, nor a member of the UNC and cannot represent the whole armed forces now in South Korea".

(a) This North Korean argument is, however, flawed. CINCUNC signed the Armistice Agreement as Commander of all UNC forces from 16 United Nations Member States and the ROK. Neither individual nations, nor their military forces, are signatories to the Armistice Agreement. During the Armistice negotiations and subsequent to the signing of the Agreement, the KPA/CPV specifically requested that the ROK furnish assurances that its forces would abide by the terms of the Agreement, saying that the Korean Armistice would not work unless the ROK abided by the Agreement. The UNC relayed such assurances to the KPA/CPV.

(b) Today, the ROK provides "DMZ police" throughout the entire UNC (southern) portion of the DMZ to maintain the Armistice. In addition ROK senior military officers have regularly served as MAC members for the past 42 years. The Armistice Agreement neither addresses MAC membership by nationality nor by United Nations affiliation, nor does it give guidelines for designating a Senior Member. Each side has discretionary authority to appoint its members and such appointments are not subject to approval by the other side. Further, the appointment of a ROK general officer as the UNCMAC Senior Member does not transfer CINCUNC's Armistice maintenance responsibilities to either the Government of the Republic of Korea or its armed forces. In addition, as the UNC signatory to the Armistice Agreement, CINCUNC is ultimately responsible for ensuring that all UNC forces comply with its provisions.

(c) Article 5 of the Agreement on Reconciliation, Non-aggression and Exchanges and Cooperation between the South and the North, effective 19 February 1992, stipulates:

> "The two sides (North and South Korea) shall endeavour together to transform the present state of armistice into a solid state of peace between the South and North and shall abide by the present Military Armistice Agreement (27 July 1953) until such a state of peace has been realized."

Thus, the Armistice Agreement between the military commanders remains the only legal regime until it is replaced by a more durable peace between the ROK and DPRK. The Supreme Commander of the KPA has an obligation to respect the terms of the agreement signed in 1953, recognize the UNC Senior Member, send representatives to plenary MAC meetings to discuss Armistice-related issues, to include tension-reduction and confidence-building measures, and help promote

peace and stability on the Korean Peninsula. The joint UNC-KPA/CPV MAC is an integral part of the Korean Armistice Agreement. Although formal plenary MAC meetings have not been held since the 459th MAC meeting on 13 February 1991, the JDO telephone line in Panmunjom can still be used by both sides. However, on 3 October 1995, the KPA representatives at Panmunjom permitted two civilians to cross the MDL in the JSA illegally without prior coordination with the UNC. When the UNC JDO attempted to pass a protest of this major violation of the Armistice Agreement, the KPA duty officer refused to receive the message, stating he was no longer authorized to accept Armistice-related messages. Since that time, the KPA has accepted no further Armistice-related communication from the UNC.

C. Neutral Nations Supervisory Commission

5. The NNSC was established in accordance with paragraph 37 of the Armistice Agreement and was originally composed of four senior officers, two appointed by "neutral nations" nominated by the CINCUNC, namely, Sweden and Switzerland, and two appointed by "neutral nations" nominated by the Supreme Commander of the KPA and the Commander of the CPV, namely, Poland and Czechoslovakia. The term "neutral nations" in the Armistice Agreement is defined as nations whose combatant forces did not participate in the Korean conflict. The NNSC's primary function is to conduct independent inspections and investigations of Armistice Agreement violations outside the DMZ and to report its findings to the MAC.

(a) The DPA/CPV reluctantly agreed to an inspection system proposed by the UNC. They have, however, undermined the NNSC function since the signing of the Armistice Agreement by shipping into North Korea reinforcing modern weapons and equipment, completely bypassing the designated ports of entry in violation of paragraph 13 (d) of the Armistice Agreement.

(b) Since March 1991, the KPA not only suspended MAC plenary sessions and MAC Senior Member-level communications but also suspended its reports to the MAC and NNSC on paragraphs 13 (c) and (d) of the Armistice Agreement, which prohibit the introduction into Korea of reinforcing arms and military personnel.

(c) On 10 April 1993, the DPRK forced the Czech delegation to the NNSC to withdraw from the North following the split of Czechoslovakia into two separate States in January 1993. Further, the KPA pressured the Polish NNSC delegation to initiate withdrawal, terminated protocol contacts and harassed this delegation to make their life difficult.

(d) In November 1994, the DPRK officially informed the Ministry of Foreign Affairs of the Republic of Poland that Poland's nomination as a member of the NNSC had been terminated. On 23 January 1995, the KPA Representative to the Panmunjom Mission visited the Polish delegation to inform the Poles they would have to depart their camp in the DMZ by 28 February 1995. On 8 February the KPA informed the Poles they would no longer be able to travel from the Polish NNSC Camp to Panmunjom and demanded that the Poles prepare a timetable for the movement of their delegation from the DPRK. The NNSC convened an emergency plenary session on 9 February during which the Members unanimously declared the measures announced by the KPA "as a blatant violation of the Armistice

Agreement, paragraphs 13 (g), (h) and (j), which would be viewed negatively in the eyes of the international community". On 28 February, however, the Polish delegation was forced to evacuate their camp at Panmunjom and proceeded to the Polish Embassy in Pyongyang.

(e) In response, CINCUNC wrote directly to Marshal Kim Jong-il, Supreme Commander of the KPA, on 24 February reminding him of his responsibility to uphold the 1953 Armistice Agreement (see appendix II), and to the Commander of the CPV on 20 February (see appendix III), asking the Government of the PRC to protest this illegal act. CINCUNC also wrote to the senior military officers of the 16 Member States of the United Nations that provided military forces to the UNC during the Korean War, asking each to approach their respective Government and protest this illegal act of the KPA through official diplomatic channels. Similarly, the Swiss and Swedish Members of the NNSC protested the unilateral KPA act against the Armistice Agreement in a letter addressed to the KPA Representative, dated 2 March 1995 (see appendix IV). Following disapproval by the Chinese Foreign Ministry of a Polish request to relocate their offices to Beijing, however, the Poles departed Pyongyang on 4 March 1995. On 3 May 1995, the KPA closed the NNSC buildings controlled by the KPA on Conference Row and announced restrictions on the free movement of the remaining NNSC members and UNCMAC personnel across the MDL into the northern part of the neutral JSA.

(f) Throughout 1995, the NNSC - now represented by only two neutral nations in residence: Sweden and Switzerland - held weekly meetings in the JSA at Panmunjom to review and evaluate reports provided by the UNC regarding the number of arriving and departing military personnel. The Polish Member returned to Panmunjom periodically from Warsaw, meeting with the Swiss and Swedish members on 1 and 3 May and again on 1 August 1995.

(g) Although DPRK restrictions have severely curtailed the ability of the NNSC to carry out its mission, the NNSC remains an important part of the Armistice Agreement. The KPA seeks to end the NNSC arrangement as well as the MAC and thus is undermining the basic foundation of the Armistice architecture. These North Korean attempts, contrary to the letter and spirit of the Armistice Agreement, must be opposed by the international community in order to preserve and maintain the existing Armistice until it is replaced by a more durable peace. The UNC has continued to call upon the KPA to nominate a successor for Czechoslovakia and restore support to the Polish Member so that the NNSC may continue to function. The KPA has not responded. Although NNSC activities have been curtailed over the years, the presence of "neutral" representatives provides a stabilizing influence on the activities of the opposing sides. The UNC believes, therefore, that the NNSC continues to be an integral part of the Korean Armistice, and will keep the United Nations Security Council informed of further developments on this issue in future reports.

D. UNC remains issue

6. The KPA began unilaterally recovering and repatriating UNC Korean War remains to the UNC in 1990. Beginning in August 1992, the MAC Secretaries began a series of discussions on a memorandum of agreement dealing with the humanitarian recovery and repatriation of UNC Korean War remains, which

culminated in the signing of an Agreement on Remains-related Matters on 24 August 1993 (see appendix V). The KPA has since recovered and returned 146 additional sets of UNC Korean War remains in six repatriations from 30 November 1993 to 30 October 1995, bringing the total number of sets returned to the UNC to 209. The Agreement on Remains-related Matters became the foundation for regularizing cooperation on remains recovery operations and organizing the KPA-UNC Remains Working Group, whose mission is to locate, exhume, repatriate and identify the remains of UNC personnel located north of the MDL. Throughout these repatriations, identification of remains has been a significant problem. To date, only 5 of the 209 sets of previously repatriated remains have been positively identified by the US Army Central Identification Laboratory, Hawaii (CILHI). Therefore, on 7 October 1994, the UNC asked the KPA to suspend further unilateral recovery operations until an agreement could be reached on conducting joint UNC-KPA recoveries in North Korea. CILHI has also determined that all of the remains returned to UNC control are human remains. Previous, unsubstantiated reports that have appeared in various media claimed that animal bones were mixed with the human remains. Although there have been occasions when the remains of more than one person were returned by the KPA in the same casket, the reports of animal bones are inaccurate.

E. Crossings of the Military Demarcation Line

7. Throughout 1995, the UNC deployed UNCMAC Special Investigative Teams (SIT) into the DMZ to monitor armistice compliance and investigate Armistice Agreement violation charges for CINCUNC inside or along the 151-mile southern boundary of the DMZ. Many of those missions were to investigate major violations of the Armistice Agreement such as the series of events beginning on 14 April 1995, when two KPA officers and three soldiers - all armed - crossed the MDL and moved approximately 100 metres into the UNC portion of the DMZ. There they remained for approximately 30 minutes before moving back to the KPA side following verbal warnings from UNC DMZ police over loudspeakers.

(a) On 19 April 1995, the KPA again violated the Armistice when six KPA soldiers - four of whom were armed with automatic weapons - crossed the MDL in the vicinity of Marker 0582 during daylight and walked approximately 500 metres south into the UNC portion of the DMZ, where they remained for over 90 minutes, ignoring loudspeaker warnings and making rude gestures towards UNC DMZ police.

(b) A similar violation occurred yet again on 23 April 1995 when two armed KPA soldiers crossed the MDL in the vicinity of Marker 0578 during daylight, walked approximately 350 metres south into the UNC portion of the DMZ and picked up a leaflet balloon. Despite loudspeaker warnings from UNC DMZ police, the KPA soldiers remained for nearly two hours before returning to the KPA side. Owing to the deployment of the SITs, the UNC was able to gather sufficient evidence to respond effectively to these KPA violations on 19 and 23 April 1995.

(c) Although a less serious violation, on 9 May 1995, a KPA work party consisting of one officer and 18 unarmed soldiers were conducting mine-detection operations during daylight hours when the officer crossed the MDL and walked approximately 40 metres south into the UNC portion of the DMZ. He remained

there for about four minutes and, following loudspeaker warnings by UNC DMZ police, returned to the KPA side.

(d) On 14 and 15 June 1995, KPA soldiers at KPA Guard Post 154 broadcast a message over loudspeakers to UNC DMZ Civil Police manning UNC Guard Post 369 announcing their intent to cut down several trees along the MDL. This was followed on 16 June by a KPA reconnaissance patrol, which came down to MDL Marker 1274. On 17 June, a UNC SIT visited UNC GP 369 to determine, first hand, the position of the trees relative to the MDL. After visually surveying the area from GP 369, the team members concluded the trees were clearly south of the MDL.

(e) On 22 August 1995, one KPA officer and seven soldiers again approached MDL Marker 1274 from the north and removed the marker from its position, an Armistice violation the UNCMAC immediately protested via the UNC JDO at Panmunjom. In response to repeated KPA movement in the area on 4 and 7 September, UNCMAC again deployed a SIT to the area on 13 September. Despite its activity near Marker 1274, the KPA had not attempted to cut down the disputed trees. However, on 16 September one KPA officer and five soldiers again crossed the MDL and emplaced nine wooden stakes in the earth about five metres south of Marker 1274. UNCMAC again protested this Armistice violation, and the KPA returned on 19 September and withdrew the stakes. A follow-up SIT on 25 September entered the DMZ and took Global Positioning System (GPS) readings in the vicinity south of where Marker 1274 had stood. The GPS readings confirmed the earlier UNCMAC assessment: the trees in question were clearly located within the UNC portion of the DMZ.

(f) The UNCMAC SIT deployed again on 17 October 1995 to investigate the circumstances surrounding an alleged KPA infiltration attempt along the Imjin River, south-west of Freedom Bridge. The SIT determined that the armed infiltrator killed by ROK Army personnel had originated from North Korea. Consequently, the UNCMAC Senior Member attempted to protest this major violation with his KPA counterpart, Lieutenant-General Ri Chan Bok. The KPA liaison officers on duty at Panmunjom, however, refused to receive the UNC protest.

8. Panmunjom has also been the site of several events that have either increased or helped reduce tensions between the UNC and KPA.

(a) On 20 and 22 February 1995, in a show of force following the KPA declaration of its intent to withdraw support to the Polish Member of the NNSC, the KPA temporarily reinforced the JSA with a platoon-sized element armed with automatic weapons and indirect fire assets, all in direct violation of the Armistice Agreement. The Agreement specifies that each side may have no more than 5 officers and 30 enlisted personnel in the JSA at any time to provide security. The arms permitted these personnel are limited to one pistol or one single-shot rifle per person. UNC Security Force personnel observed approximately 80 KPA guards in the JSA on both occasions. Rather than the usual pistols and soft caps, many were equipped with load-bearing equipment and helmets and were carrying automatic rifles, mortars and anti-tank weapons.

(b) On 16 April 1995, the KPA permitted two civilians to cross the MDL illegally from the north into the UNC portion of the DMZ without first advising

the UNC, a major violation of the Armistice Agreement. These civilians, both citizens of the ROK, had originally travelled to the north via a third country. This unilateral KPA action unnecessarily raised tensions in the DMZ.

(c) On 5 July 1995, the KPA again temporarily reinforced its portion of the JSA with a platoon-sized element, a major violation of the Armistice Agreement.

(d) On 31 July 1995, the KPA permitted another civilian to cross the MDL from the north, again a major violation.

(e) On 15 August 1995, the KPA permitted a large demonstration, conducted by an estimated 1,000 people in civilian attire, to be held in the JSA despite its original formation as a military conference site. Although the demonstration was peaceful, remained north of the MDL and concluded without incident, the KPA deployed additional guards with sidearms in excess of the 35 allowed under the terms of the Armistice Agreement to control these demonstrators.

(f) On 23 August 1995, the UNC returned the remains of a deceased KPA soldier, an apparent drowning victim, to KPA control. The remains had been recovered in or along river banks south of the MDL by UNC forces following unusually heavy rains that caused severe flooding in the north.

(g) On 1 September 1995, the UNC returned the remains of three additional KPA soldiers, also apparent drowning victims, to KPA control.

(h) On 7 September 1995, the UNC returned the remains of a fifth drowned KPA soldier to KPA control.

(i) On 3 October 1995, the KPA unilaterally permitted two students to cross the MDL from the north, again a major violation. When the UNC attempted to protest this violation, as permitted under the terms of the Armistice Agreement, the KPA officers on duty at Panmunjom refused to accept the communication from the UNC JDO.

(j) On 30 October 1995, the KPA returned a set of human remains, believed by the KPA to be those of a British soldier killed during the Korean War, to UNC control.

(k) On 26 December 1995, the KPA repatriated five living members and the remains of three deceased members of the crew of the 86 Woosung-Ho, a fishing boat from the ROK seized by naval forces of the DPRK at sea on 30 May 1995.

III. SOUTH-NORTH RELATIONS

9. While the UNC is not directly involved in the South-North dialogue or negotiations, it has provided administrative assistance and security for these talks and other contacts held in the Joint Security Area, Panmunjom. The simultaneous entry of the ROK and DPRK into the United Nations in September 1991 affected neither the status nor the role of the UNC. The UNC continues to

perform an important peace enforcement role in Korea, particularly in maintaining the Armistice until an effective and enduring peace is attained through political dialogue.

IV. CONCLUSIONS

10. The maintenance of timely and effective communications between the Commanders of the opposing military forces is vital to preclude possible incidents and defuse the situation in the event incidents occur, thereby preventing the resumption of hostilities. All parties to the Korean Armistice Agreement (the UNC, KPA and CPV) have played a role in this vital activity for more than 42 years. To continue this vital mission until a more durable peace is attained, both sides must fully cooperate to preserve the existing means of communication through the Armistice mechanism - the MAC, which is an integral part of the Armistice. The UNC will continue its efforts to implement the Armistice Agreement and thereby contribute to a stable environment conducive to South-North dialogue and the ultimate goal of a durable peace on the Korean Peninsula.

Appendix I

Credentials dated 1 March 1995 of the incoming Secretary of the United Nations Command Military Armistice Commission

Colonel Ashton H. Ormes, United States Army, is hereby accredited as Secretary of the United Nations Command component of the Military Armistice Commission replacing Colonel Mark R. Shoemaker, United States Army, effective this date.

(Signed) Gary E. LUCK
General, U.S. Army
Commander-in-Chief

Appendix II

Letter dated 24 February 1995 from the Commander-in-Chief of the United Nations Command to the Supreme Commander of Korean People's Army

I am deeply concerned by the recent actions taken by your personnel against the Polish NNSC delegation in Panmunjom. I have not agreed to any changes in the NNSC as is required by the terms of the Armistice Agreement. Such pressure represents a serious breach of your obligations under the 1953 Armistice Agreement.

As successors to the original Armistice signatories, you and I share an important responsibility to uphold the Armistice until it is expressly replaced by a peaceful settlement at a political level. I take this responsibility very seriously. I hope you do likewise.

Today, people of the peninsula and around the world are hopeful for lasting peace in Korea through North-South reconciliation. Recent actions by your personnel against the Polish officers only disrupt that process, and call into question your side's commitment to creating the atmosphere for such progress.

I respectfully request that you investigate this issue and order that full support be restored to the Polish NNSC delegation.

(Signed) Gary E. LUCK
General, U.S. Army
Commander-in-Chief

Appendix III

Letter dated 20 February 1995 from the Commander-in-Chief of the United Nations Command to the Commander of the Chinese People's Volunteers

The world is well aware of the important contribution the Chinese People's Volunteers has made in maintaining the Korean Armistice Agreement during the past 42 years. This agreement, built on the blood of soldiers from both sides, has maintained stability and facilitated peace on the Korean Peninsula.

The United Nations Command considers the Neutral Nations Supervisory Commission an integral part of the Korean Armistice system and fully supports its continued maintenance. The Korean People's Army, however, has undertaken steps to remove the Neutral Nations Supervisory Commission from Panmunjom in an effort to dismantle the Armistice Agreement. This began with the expulsion of the Czechoslovakian delegation in 1993. More recently, the Korean People's Army has threatened to stop support to the Polish delegation in order to force its withdrawal, as well.

The Korean People's Army has committed these actions in clear violation of the Korean Armistice Agreement. The United Nations Command has vigorously protested this unilateral action directly to the Korean People's Army, describing it as an effort to destabilize the situation on the Korean Peninsula and in East Asia.

The military representatives of the United Nations Command member nations are requesting their Governments to protest this illegal act of the Korean People's Army through official diplomatic channels.

You and I, as the successors to the original signatories of the Korean Armistice Agreement, have a continuing obligation to the maintenance of the Agreement. Therefore, I request that you urge the Government of the People's Republic of China to protest the Korean People's Army's actions against the Polish delegation to the Government of the Democratic People's Republic of Korea.

All the nations having interest in peace on the Korean Peninsula are best served by the maintenance of the Korean Armistice Agreement until properly amended or replaced by a permanent peace agreement between the Republic of Korea and the Democratic People's Republic of Korea.

I look forward to receiving your thoughts on this very serious matter.

(Signed) Gary E. LUCK
General, U.S. Army
Commander-in-Chief

Appendix IV

Letter dated 2 March 1995 from the Neutral Nations Supervisory Commission to the Representative of the Korean People's Army

We, the Swedish and Swiss Members to the Neutral Nations Supervisory Commission, note with great concern that the Korean People's Army has made true its threat to expel the Polish Delegation to the NNSC from its camp in the Demilitarized Zone on 28 February 1995.

This unilateral action constitutes a gross violation of the Korean Armistice Agreement we vigorously protest. It stands against the letter and the spirit of the Armistice Agreement, recognized by the international community as the legal binding instrument to preserve stability on the Korean Peninsula until it will be replaced - hopefully in the near future - by a peaceful settlement agreed upon by all sides involved. Therefore, regardless of further participation of the Polish Delegation to the NNSC, the Swedish and the Swiss Delegations will remain firmly committed by the mandate entrusted to us by the signatories of the Armistice Agreement. Any change of or end to the mandate has to be mutually agreed according to paragraph 61 of the Armistice Agreement.

Finally, we should like to express our disappointment that our Delegations were not even given the opportunity to bid farewell to our Polish colleagues, which stands against all rules of human dignity and respect.

(Signed) Karl G. WIDEN
Major-General
Swedish Member

(Signed) Peter SUTTER
Major-General
Swiss Member

Appendix V

Agreement dated 24 August 1993 on Remains-related Matters

The Korean People's Army (KPA) and the United Nations Command (UNC) recognize the importance, for humanitarian reasons, of full and regular cooperation for the recovery, repatriation and identification of UNC war remains located north of the Military Demarcation Line (MDL). Therefore, both sides agree as follows:

1. Both sides shall cooperate with each other in locating, exhuming, repatriating and identifying the remains of UNC personnel located north of the MDL.

2. The KPA will search for and exhume the remains of UNC soldiers buried north of the MDL and repatriate those remains to the UNC.

3. The UNC will render support, as necessary, to aid the KPA's search, exhumation and repatriation efforts.

4. Both sides agree to actively exploit all available information in the search, exhumation and repatriation effort. Both sides will exercise the necessary scientific care in exhuming, repatriating and handling remains to ensure a reasonable chance of identification.

5. To achieve the objectives of this agreement, both sides agree to form a working group to exchange information and coordinate remains recovery, repatriation and identification efforts. This working group will be chaired by O-6 [= colonel] representatives from each side and will consist of seven regular members from each side. Technical specialists and observers can participate in working group activities as required by each side. Each side will determine its own working group membership, specialists and observers. Working group operating procedures will be determined jointly by the chairmen of each side.

6. Both sides will continually assess the progress made towards achieving the objectives of this agreement. If significant progress is not being achieved, both sides will consider additional measures to enhance the effectiveness of this agreement.

7. This agreement will become effective upon its signing by both sides. The working group established by this agreement will begin operation within 30 days of the effective date.

(Signed) Nels RUNNING
Major-General, USAF
UNC Representative

(Signed) LI Dok Kyu
Major-Genera, KPA
KPA Representative

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Appendix VI

Pertinent Armistice Agreement provisions

ARTICLE II

Concrete Arrangements For Cease-Fire And Armistice

A. GENERAL

Paragraph 12: The Commanders of the opposing sides shall order and enforce a complete cessation of all hostilities in Korea by all armed forces under their control, including all units and personnel of the ground, naval, and air forces, effective twelve (12) hours after this Armistice Agreement is signed. (See paragraph 63 hereof for the effective date and hour of the remaining provisions of this Armistice Agreement.)

Paragraph 13d: Cease the introduction into Korea of reinforcing combat aircraft, armored vehicles, weapons, and ammunition; provided, however, that combat aircraft, armored vehicles, weapons, and ammunition which are destroyed, damaged, worn out, or used up during the period of the armistice may be replaced on the basis of piece-for-piece of the same effectiveness and the same type. Such combat aircraft, armored vehicles, weapons, and ammunition shall be introduced into Korea only through the ports of entry enumerated in Paragraph 43 hereof. In order to justify the requirement for combat aircraft, armored vehicles, weapons, and ammunition to be introduced into Korea for replacement purposes, reports concerning every incoming shipment of these items shall be made to the Military Armistice Commission and the Neutral Nations Supervisory Commission; such reports shall include statements regarding the disposition of the items being replaced. Items to be replaced which are removed from Korea shall be removed only through the ports of entry enumerated in Paragraph 43 hereof. The Neutral Nations Supervisory Commission, through its Neutral Nations Inspection Teams, shall conduct supervision and inspection of the replacement of combat aircraft, armored vehicles, weapons, and ammunition authorized above, at the ports of entry enumerated in Paragraph 43 hereof.

Paragraph 14: This Armistice Agreement shall apply to all opposing ground forces under the military control of either side, which ground forces shall respect the demilitarized zone and the area of Korea under the military control of the opposing side.

Paragraph 15: This Armistice Agreement shall apply to all opposing naval forces, which naval forces shall respect the waters contiguous to the Demilitarized Zone and to the land area of Korea under the military control of the opposing side, and shall not engage in blockade of any kind of Korea.

Paragraph 16: This Armistice Agreement shall apply to all opposing air forces, which air forces shall respect the air space over the Demilitarized Zone and over the area of Korea under the military control of the opposing side, and over the waters contiguous to both

Paragraph 17: Responsibility for compliance with and enforcement of the terms and provisions of this Armistice Agreement is that of the signatories hereto and their successors in command. The Commanders of the opposing sides shall establish within their respective commands all measures and procedures necessary to ensure complete compliance with all of the provisions hereof by all elements of their commands. They shall actively cooperate with one another and with the Military Armistice Commission and the Neutral Nations Supervisory Commission in requiring observance of both the letter and the spirit of all of the provisions of this Armistice Agreement.

B. MILITARY ARMISTICE COMMISSION

1. COMPOSITION

Paragraph 19: A Military Armistice Commission is hereby established.

Paragraph 20: The Military Armistice Commission shall be composed of ten (10) senior officers, five (5) of whom shall be appointed by the Commander-in-Chief, United Nations Command, and five (5) of whom shall be appointed jointly by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers. Of the ten members, three (3) from each side shall be of general or flag rank. The two (2) remaining members on each side may be major generals, brigadier generals, colonels, or their equivalents.

Paragraph 22: The Military Armistice Commission shall be provided with the necessary administrative personnel to establish a Secretariat charged with assisting the Commission by performing record-keeping, secretarial, interpreting, and such other functions as the Commission may assign to it. Each side shall appoint to the Secretariat a Secretary and an Assistant Secretary and such clerical and specialized personnel as required by the Secretariat. Records shall be kept in English, Korean, and Chinese, all of which shall be equally authentic.

Paragraph 24: The general mission of the Military Armistice Commission shall be to supervise the implementation of this Armistice Agreement and to settle through negotiations any violations of this Armistice Agreement.

Paragraph 25: The Military Armistice Commission shall:

a. Locate its headquarters in the vicinity of PANMUNJOM (37 57' 29"N, 126 40'00"E). The Military Armistice Commission may re-locate its headquarters at another point within the Demilitarized Zone by agreement of the senior members of both sides on the Commission.

b. Operate as a joint organization without a chairman.

c. Adopt such rules of procedure as it may, from time to time, deem necessary.

d. Supervise the carrying out of the provisions of this Armistice Agreement pertaining to the Demilitarized Zone and to the Han River Estuary.

e. Direct the operations of the Joint Observer Teams.

f. Settle through negotiations any violations of this Armistice Agreement.

g. Transmit immediately to the Commanders of the opposing sides all reports of investigations of violations of this Armistice Agreement and all other reports and records of proceedings received from the Neutral Nations Supervisory Commission.

h. Give general supervision and direction to the activities of the Committee for Repatriation of Prisoners of War and the Committee for Assisting the Return of Displaced Civilians, hereinafter established.

i. Act as an intermediary in transmitting communications between the Commanders of the opposing sides; provided, however, that the foregoing shall not be construed to preclude the Commanders of both sides from communicating with each other by any other means which they may desire to employ.

j. Provide credentials and distinctive insignia for its staff and its Joint Observer Teams, and a distinctive marking for all vehicles, aircraft, and vessels, used in the performance of its mission.

Paragraph 26. The mission of the Joint Observer Teams shall be to assist the Military Armistice Commission in supervising the carrying out of the provisions of this Armistice Agreement pertaining to the demilitarized zone and to the Han River Estuary.

Paragraph 27. The Military Armistice Commission, or the senior member of either side thereof, is authorized to dispatch Joint Observer Teams to investigate violations of this Armistice Agreement reported to have occurred in the demilitarized zone or in the Han River Estuary, provided, however, that not more than one half of the Joint Observer Teams which have not been dispatched by the Military Armistice Commission may be dispatched at any one time by the Senior Member of either side on the Commission.

Paragraph 28. The Military Armistice Commission, or the senior member of either side thereof, is authorized to request the Neutral Nations Supervisory Commission to conduct special observations and inspections at places outside the Demilitarized Zone where violations of this Armistice Agreement have been reported to have occurred.

Paragraph 29. When the Military Armistice Commission determines that a violation of this Armistice Agreement has occurred, it shall immediately report such violation to the Commanders of the opposing sides.

Paragraph 30. When the Military Armistice Commission determines that a violation of this Armistice Agreement has been corrected to its satisfaction, it shall so report to the Commanders of the opposing sides.

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Paragraph 31: The Military Armistice Commission shall meet daily. Recesses of not to exceed seven (7) days may be agreed upon by the senior members of both sides; provided, that such recesses may be terminated on twenty-four (24) hour notice by the senior member of either side.

Paragraph 35: The Military Armistice Commission may make recommendations to the Commanders of the opposing sides with respect to amendments or additions to this Armistice Agreement. Such recommended changes should generally be those designed to insure a more effective armistice.

C. NEUTRAL NATIONS SUPERVISORY COMMISSION

Paragraph 37: The Neutral Nations Supervisory Commission shall be composed of four (4) senior officers, two (2) of whom shall be appointed by neutral nations nominated by the Commander-in-Chief, United Nations Command, namely, Sweden and Switzerland, and two (2) of whom shall be appointed by neutral nations nominated jointly by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, namely, Poland and Czechoslovakia. The term "neutral nations" as herein used is defined as those nations whose combatant forces have not participated in the hostilities in Korea. Members appointed to the Commission may be from the armed forces of the appointing nations. Each member shall designate an alternate member to attend those meetings which for any reason the principal member is unable to attend. Such alternate members shall be of the same nationality as their principals. The Neutral Nations Supervisory Commission may take action whenever the number of members present from the neutral nations nominated by one side is equal to the number of members present from the neutral nations nominated by the other side.

ARTICLE V

MISCELLANEOUS

Paragraph 61: Amendments and additions to this Armistice Agreement must be mutually agreed to by the Commanders of the opposing sides.

Paragraph 62: The articles and paragraphs of this Armistice Agreement shall remain in effect until expressly superseded either by mutually acceptable amendments and additions or by provision in an appropriate agreement for a peaceful settlement at a political level between both sides.

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Agenda items 55 and 112
QUESTION OF CYPRUS
HUMAN RIGHTS QUESTIONS

SECURITY COUNCIL
Fifty-first year

Letter dated 13 May 1996 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to bring to your attention a serious matter arising out of an advertisement published in the Turkish-Cypriot newspaper Cyprus Today dated 6 April 1996 (see annex). The advertisement reveals a new provocative act on the part of the Turkish occupation forces in Cyprus to sell the Byzantine Church of Panagia Chrysotrimithiotissa at the occupied village of Trimithi. According to the advertisement, Keskin and Smith Estate Agents is selling the Church for £32,500.

The Church of Panagia Chrysotrimithiotissa belongs to the Bishopric of Kyrenia and it dates back to the middle-Byzantine period. In 1974, the Church was included in a list of other monuments to be listed by the Government as ancient monuments.

The Government of the Republic of Cyprus has brought to your attention repeated acts of sacrilege and vandalism of churches and monasteries in the part of Cyprus occupied by Turkey since 1974 in order to stop Turkey's systematic efforts to erase the Greek cultural heritage in the occupied part of Cyprus.

This new development is yet another example of the existence of a premeditated plan by the Turkish occupying power to change the demographic structure of the occupied area by importing thousands of illegal settlers from Anatolia, Turkey, and to eradicate the cultural heritage of the indigenous Greek Cypriot population in that area.

The Government of the Republic of Cyprus strongly protests over this illegal, sacrilegious and condemnable act, and requests that the United Nations proceed expeditiously to take the necessary measures to promptly prevent its realization.

I should be grateful if the text of the present letter and its annex could be circulated as a document of the fiftieth session of the General Assembly, under agenda items 55 and 112, and of the Security Council.

(Signed) Nicos AGATHOCLEOUS
Permanent Representative
of the Republic of Cyprus
to the United Nations

A. Advertisement published in Cyprus Today on 6 April 1996

KESKIN & SMITH

ESTATE AGENTS

THE BRITISH/TURKISH CYPRIOT PARTNERSHIP WITH
10 YEARS' REAL ESTATE EXPERIENCE IN THE TRNC

PHONE: (From UK 00 90 392) 8157118
EVENINGS: 8222513 / 8218598

FAX: (From UK 00 90 392) 8157119
MOBILES: 8510978 / 8511121

1. Two recently renovated town houses in quiet area of Upper Girne. Furnished. Two bedrooms & one bedroom.
£400 monthly for the two on annual lease

2. 40 donums land in Lapta.
Only £2,000 / donum

3. Old ruin in Karşıyaka in one donum. Lovely views.
£18,000

4. Old house in Lapta for renovation. Long lease
£9,500

12. Choice of houses behind Girne old harbour. Lovely restoration projects.
Prices from £30,000

13. See below.

14. Old coffee shop with stone arches. Long lease. Lower Lapta. Restoration project to make lovely dwelling.
£7,000

15. One donum English land below Karaman village. Roads and services.
£12,500

17. Newly-built freehold villa with spectacular views in Karaman.
£50,000

18. Freehold one-bedroom village house in Karaman.
£32,000

19. Large selection of apartments to buy or rent.

20. Three-bedroom freehold villa in Karaoğlanoğlu.
£50,000

Villa and bungalow plans available for clients wishing to build their holiday and/or retirement home.

Typical example under present construction: three-bedroom 140m² villa with garage. Quality bathrooms and kitchens, fireplace. High insulation factor. Courtyard and landscaped garden.
£36,000 including plans.

Contracts controlled by architects' valuations and inspections and payments made through lawyers.

We are currently involved in freehold villa with 25. 3.5 donums on sea

lease. £3,000

several restoration projects using a British architect based here and contractors who are experienced in this type of construction.

5. Choice of old houses in Upper Girne. From £16,000

6. House on beach at Karakum. £65,000

7. Bungalow with swimming pool at Boğaz. £90,000

8. Large villa at Edremit with pool. £100,000

9. 8 donums by main Lefkoşa road. £160,000

10. Leasehold houses in Karaman. Prices from £24,000

11. Choice of four restaurants for sale in Girne and Karaman. Prices from £50,000

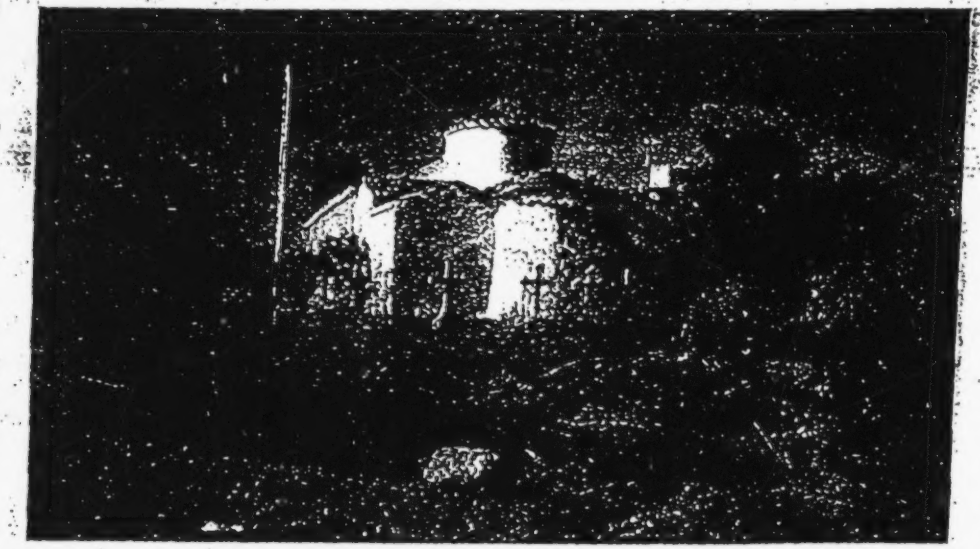
16. Selection of building plots below Karaman to be offered for sale at £14,000 each

21. Four-bedroom freehold villa near sea. £95,000

22. Three-bedroom adjacent small house near sea in Karaoğlanoğlu. £90,000

23. 37 donums land in Karaman. £75,000

24. 1.5 donums land in Karaman. £14,000



Call in at our office on the main road as you proceed towards Jasmine Court Hotel (opposite the road to Zeytinlik) for your complimentary property lists and information sheets on Northern Cyprus. Associate offices throughout the United Kingdom.

13. Leasehold church. Fully restored and used as a picture gallery/craft centre. Lovely position below Edr[illegible]it village. £32,500

at Çatalköy £55,000

26. Choice of plots below Karşıyaka on the beach. Approx. one donum each. £20,000

27. 41 donums near shoreline at Çatalköy. £150,000

28. 11 donums English land on sea. Lapta. £130,000

29. 21 donums lovely land above Zeytinlik. Turkish title. Roads, services, super views. £140,000 ONO

30. Choice of shops on High Street in Girne.

31. Building plot near Papillon restaurant. Basement construction complete. Full planning paid for 24 flats and four shops. Sales price only £80,000

32. New shop overlooking new harbour. £35,000

B. **S T A T E M E N T**

It is hereby stated that the Church building and site of Panayia Chrysotrimithiotissa belongs to Ay. Charalambos Church, Trimithi village which is attached to the Holy See of Kyrenia. It is situated on plot 510/1 of the Government Survey Plan XII/18.E.1 of Trimithi village.

2. It is also stated that the surrounding plots 510/2, 511, 512, 513, 514 and 516 also belong to the same church.

3. The aformentioned church and church site are coloured red and the surrounding plots are coloured yellow on the attached Survey Plan marked A.

4. Details of ownership are described on the attached Certificate (Form N323) marked B.

COSTAS MAYIROU
DISTRICT LANDS OFFICER
KYRENIA

6/5/96

/...

C. DEPARTMENT OF LANDS AND SURVEYS FORM N323

CERTIFICATE OF OWNERSHIP
OF TURKISH OCCUPIED IMMOVABLE PROPERTIES

IDENTITY CARD/IDENTIFICATION NUMBER: 5-509358
OWNER'S NAME : CHURCH OF AGIOS CHARALAMBOS

S.N.	DISTRICT	TOWN/VILLAGE LOCALITY	SHEET/PLAN-BLOCK PLOT PROPERTY	SHARE - EXTENT Sq.M.	REGISTRATION NUMBER AND DATE
1.	KYRENIA	TRIMITHI LOCALITY: CHRYSOTRIMITHIOTISSA	XII/18 PLOT: 510/1 CHURCH	WHOLE - 0:0:481	-
2.	KYRENIA	TRIMITHI LOCALITY: CHRYSOTRIMITHIOTISSA	XII/18 PLOT: 510/2 HOUSE AND YARD	WHOLE - 0:0:216	-
3.	KYRENIA	TRIMITHI LOCALITY: CHRYSOTRIMITHIOTISSA	XII/18 PLOT: 511 FIELD	WHOLE - 2:6:264	-
4.	KYRENIA	TRIMITHI LOCALITY: CHRYSOTRIMITHIOTISSA	XII/18 PLOT: 512 FIELD AND TREES	WHOLE - 0:1:254	2021-8/5/69
5.	KYRENIA	TRIMITHI LOCALITY: CHRYSOTRIMITHIOTISSA	XII/18 PLOT: 513 FIELD	WHOLE - 0:0:680	-
6.	KYRENIA	TRIMITHI LOCALITY: CHRYSOTRIMITHIOTISSA	XII/18 PLOT: 514 FIELD	WHOLE - 0:0:794	-
7.	KYRENIA	TRIMITHI LOCALITY: CHRYSOTRIMITHIOTISSA	XII/18 PLOT: 516 FIELD	WHOLE - 0:0:237	-
8.	KYRENIA	TRIMITHI LOCALITY: IN THE VILLAGE	XII/18.V.1 PLOT: 40 CHURCH	WHOLE - 0:0:361	-

Date: 6 May, 1996.

Note: The present document is issued in accordance with section 10 (2) of the District Lands Offices Famagusta and Kyrenia (Temporary Provisions) Laws of 1984 - 1990 (No. 44/84, 51/85 and 78/90)

District Land Officer
Kyrenia

Khrysostrmithissa
Church
Kyparissi
Haji Ismailis
Skotomenos

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1996/353
16 May 1996

ORIGINAL: ENGLISH

LETTER DATED 15 MAY 1996 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF ITALY TO THE UNITED NATIONS
ADDRESSED TO THE SECRETARY-GENERAL

On behalf of the European Union, I have the honour to transmit herewith a declaration by the European Union on Liberia's boat people.

I should be grateful if you could have the text of the present letter and its annex circulated as a document of the Security Council.

(Signed) Lorenzo FERRARIN
Deputy Permanent Representative
Chargé d'affaires a.i.

96-12511 (E) 160596 170596

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Annex

[Original: English and French]

DECLARATION OF THE EUROPEAN UNION ON LIBERIA'S BOAT PEOPLE

The European Union expresses its deep concern at the grave humanitarian situation caused by the ongoing fighting in Monrovia and condemns the violence against the civilian population and the harassment of aid operations.

While recognizing the enormous efforts already made by neighbouring countries to assist the hundreds of thousands of existing Liberian refugees, the Council of the European Union deplores the fact that the thousands of people crammed in precarious conditions on ships in the area are still in search of a friendly port. It appeals on humanitarian grounds to the neighbouring countries to give at least temporary shelter to these victims of the fighting and affirms its own willingness to give humanitarian aid to cover their most urgent needs.

The Council calls on all the Liberian factions to stop the fighting immediately and put the peace process back on track in order to avoid further suffering.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1996/354
16 May 1996
ENGLISH
ORIGINAL: RUSSIAN

LETTER DATED 16 MAY 1996 FROM THE PERMANENT REPRESENTATIVE OF TAJIKISTAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you herewith the text of an appeal dated 14 May 1996 from the President of the Republic of Tajikistan, His Excellency Mr. Emomali Rakhmonov (see annex).

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Rashid ALIMOV
Permanent Representative
of Tajikistan to the United Nations

96-12484 (E) 160596 160596 170596

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Annex

Letter dated 14 May 1996 from the President of the Republic of Tajikistan addressed to the President of the Security Council

I have the honour to draw your attention to the increasing deterioration in the social and political situation in certain regions of my country as a result of the obvious reluctance of the forces opposing the constitutional authorities to settle outstanding questions by peaceful means, particularly through the mechanism of the inter-Tajik talks which are being held under the auspices of the United Nations.

The intransigent wing of the armed opposition, which has long terrorized the civilian population of various districts, including the capital of the Republic, by means of bandit raids, has begun to wage military operations against the government forces in the Tavildara region, presumably with the consent of the leaders of the Tajik opposition.

These activities, which are blatantly contrary to the terms of the Tehran Agreement on a Temporary Cease-fire and the Cessation of Other Hostile Acts, have caused casualties on both sides and serious damage to the economy of the Pamir region.

The Government of the Republic of Tajikistan believes that aggravating the situation and relying on military force to settle the outstanding questions is to move wittingly towards an impasse. We accept the appeal of the United Nations Mission of Observers in Tajikistan for an immediate cease-fire and the cessation of other hostile acts, and hope that an adequate response will be forthcoming from the Tajik opposition.

The leadership of the Republic of Tajikistan reaffirms its commitment to a peaceful settlement of the problems in Tajikistan and requests that you consider the emerging situation in the country and assist in resolving it by peaceful means.

(Signed) Emomali RAKHMONOV
President of the Republic of Tajikistan

UNITED
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Security Council

Distr.
GENERAL

S/1996/354*
22 May 1996
ENGLISH
ORIGINAL: RUSSIAN

LETTER DATED 16 MAY 1996 FROM THE PERMANENT REPRESENTATIVE OF TAJIKISTAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you herewith the text of an appeal dated 14 May 1996 from the President of the Republic of Tajikistan, His Excellency Mr. Emomali Rakhmonov (see annex).

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Rashid ALIMOV
Permanent Representative
of Tajikistan to the United Nations

* Reissued for technical reasons.

96-12854 (E) 220596 230596

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Annex

Letter dated 14 May 1996 from the President of the Republic of Tajikistan addressed to the President of the Security Council

I have the honour to draw your attention to the increasing deterioration in the social and political situation in certain regions of my country as a result of the obvious reluctance of the forces opposing the constitutional authorities to settle outstanding questions by peaceful means, particularly through the mechanism of the inter-Tajik talks which are being held under the auspices of the United Nations.

The intransigent wing of the armed opposition, which has long terrorized the civilian population of various districts, including the capital of the Republic, by means of bandit raids, has begun to wage military operations against the government forces in the Tavildara region, presumably with the consent of the leaders of the Tajik opposition.

These activities, which are blatantly contrary to the terms of the Tehran Agreement on a Temporary Cease-fire and the Cessation of Other Hostile Acts, have caused casualties on both sides and serious damage to the economy of the Pamir region.

The Government of the Republic of Tajikistan believes that aggravating the situation and relying on military force to settle the outstanding questions is to move wittingly towards an impasse. We accept the appeal of the United Nations Mission of Observers in Tajikistan for an immediate cease-fire and the cessation of other hostile acts, and hope that an adequate response will be forthcoming from the Tajik opposition.

The leadership of the Republic of Tajikistan reaffirms its commitment to a peaceful settlement of the problems around Tajikistan and requests that you consider the emerging situation in the country and assist in resolving it by peaceful means.

(Signed) Emomali RAKHMONOV
President of the Republic of Tajikistan

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1996/355
16 May 1996
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 16 MAY 1996 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF IRAQ TO THE UNITED NATIONS
ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 15 May 1996 addressed to you by Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq.

I should be grateful if you would have this letter and its annex, the letter from the Minister for Foreign Affairs of the Republic of Iraq, circulated as a document of the Security Council.

(Signed) Saeed H. HASAN
Chargé d'affaires a.i.

96-12521 (E) 170596 170596 180596

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Annex

Letter dated 15 May 1996 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General

I have the honour to inform you that United States and British warplanes are continuing to violate the airspace of the Republic of Iraq and to carry out acts of aggression, provocation and incitement in civilian areas in the Republic of Iraq.

At 1200 hours on 30 April 1996, United States warplanes dropped hostile and inflammatory leaflets over al-Madinah, Sharash and Shalhat al-Hasan, some of which fell into the waters of the Shatt al-Arab in Basra Governorate.

I request you to intervene with the countries in question, as required by your responsibility under the Charter of the United Nations, in order to ensure that these hostile acts are halted and not repeated. They threaten the sovereignty and territorial integrity of the Republic of Iraq, alarm the civilian population and constitute grave violations of the Charter of the United Nations and the norms of international law.

I also assert the legally established right of the Republic of Iraq to compensation, in accordance with the principle of international liability, for the material and moral damage sustained by the people and the State of Iraq as a result of such acts.

I request circulation of this letter as a document of the Security Council.

(Signed) Mohammed Said AL-SAHAF
Minister for Foreign Affairs
of the Republic of Iraq

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1996/356*
20 May 1996

ORIGINAL: ENGLISH

LETTER DATED 20 MAY 1996 FROM THE SECRETARY-GENERAL
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to submit to you, and through you to the members of the Security Council, the text of a memorandum of understanding concluded today between the Secretariat of the United Nations and the Government of Iraq on the implementation of Security Council resolution 986 (1995) of 14 April 1995. I am also submitting to you a letter handed over by the Head of the Iraqi delegation upon signing the memorandum.

The memorandum represents an important step in the arrangements that are required under the resolution to bring it fully into effect. Once all the necessary actions have been taken, I will be in a position to report to the Security Council as provided for in paragraph 13 of the resolution. The present letter, therefore, is submitted with a view to keeping the Council abreast of the progress achieved so far in the implementation of the resolution.

(Signed) Boutros BOUTROS-GHALI

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* Reissued for technical reasons.

96-12771 (E) 220596 230596

Memorandum of understanding between the Secretariat of the United Nations and the Government of Iraq on the implementation of Security Council resolution 986 (1995)

Section I

General provisions

1. The purpose of this Memorandum of Understanding is to ensure the effective implementation of Security Council resolution 986 (1995) (hereinafter the Resolution).

2. The Distribution Plan referred to in paragraph 8 (a) (ii) of the Resolution, which has to be approved by the Secretary-General of the United Nations, constitutes an important element in the implementation of the Resolution.

3. Nothing in the present Memorandum should be construed as infringing upon the sovereignty or territorial integrity of Iraq.

4. The provisions of the present Memorandum pertain strictly and exclusively to the implementation of the Resolution and, as such, in no way create a precedent. It is also understood that the arrangement provided for in the Memorandum is an exceptional and temporary measure.

Section II

Distribution Plan

5. The Government of Iraq undertakes to effectively guarantee equitable distribution to the Iraqi population throughout the country of medicine, health supplies, foodstuffs and materials and supplies for essential civilian needs (hereinafter humanitarian supplies) purchased with the proceeds of the sale of Iraqi petroleum and petroleum products.

6. To this end the Government of Iraq shall prepare a Distribution Plan describing in detail the procedures to be followed by the competent Iraqi authorities with a view to ensuring such distribution. The present distribution system of such supplies, the prevailing needs and humanitarian conditions in the various Governorates of Iraq shall be taken into consideration with due regard to the sovereignty of Iraq and the national unity of its population. The plan shall include a categorized list of the supplies and goods that Iraq intends to purchase and import for this purpose on a six-month basis.

7. The part of the Distribution Plan related to the three northern Governorates of Arbil, Dihouk and Suleimaniyeh shall be prepared in accordance with Annex I, which constitutes an integral part of this Memorandum.

8. The Distribution Plan shall be submitted to the Secretary-General of the United Nations for approval. If the Secretary-General is satisfied that the

plan adequately ensures equitable distribution of humanitarian supplies to the Iraqi population throughout the country, he will so inform the Government of Iraq.

9. It is understood by the Parties to this Memorandum that the Secretary-General will not be in a position to report as required in paragraph 13 of the Resolution unless the plan prepared by the Government of Iraq meets with his approval.

10. Once the Secretary-General approves the plan, he will forward a copy of the categorized list of the supplies and goods, which constitutes a part of the plan, to the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait (hereinafter the 661 Committee) for information.

11. After the plan becomes operational, each Party to the present Memorandum may suggest to the other for its consideration a modification to the plan if it believes that such adjustment would improve the equitable distribution of humanitarian supplies and their adequacy.

Section III

Establishment of the escrow account and audit of that account

12. The Secretary-General, after consultations with the Government of Iraq, will select a major international bank and establish there the escrow account described in paragraph 7 of the Resolution, to be known as "the United Nations Iraq Account" (hereinafter the "Iraq Account"). The Secretary-General will negotiate the terms of this account with the bank and will keep the Government of Iraq fully informed of his actions in choosing the bank and opening the account. All transactions and deductions mandated by the Security Council under paragraph 8 of the Resolution shall be made from the "Iraq Account", which will be administered in accordance with the relevant Financial Regulations and Rules of the United Nations.

13. The Iraqi authorities might designate a senior banking official to liaise with the Secretariat of the United Nations on all banking matters relating to the "Iraq Account".

14. In accordance with the United Nations Financial Regulations, the "Iraq Account" will be audited by the Board of Auditors who are external independent public auditors. As provided for in the Regulations, the Board of Auditors will issue periodic reports on the audit of the financial statements relating to the account. Such reports will be submitted by the Board to the Secretary-General who will forward them to the 661 Committee and to the Government of Iraq.

15. Nothing in this Memorandum shall be interpreted to create a liability on the part of the United Nations for any purchase made by the Government of Iraq or any agents acting on its behalf pursuant to the provisions of the Resolution.

Section IV

Sale of petroleum and petroleum products originating in Iraq

16. Petroleum and petroleum products originating in Iraq will be exported via the Kirkuk-Yumurtalik pipeline through Turkey and from the Mina al-Bakr oil terminal. The 661 Committee will monitor the exports through those outlets to ensure that they are consistent with the Resolution. Transportation costs in Turkey will be covered by an additional amount of oil, as foreseen in the Resolution and in accordance with procedures to be established by the 661 Committee. The arrangement between Iraq and Turkey concerning the tariffs and payment modalities for the use of Turkish oil installations has been provided to the 661 Committee.

17. Each export of petroleum and petroleum products originating in Iraq shall be approved by the 661 Committee.

18. Detailed provisions concerning the sale of Iraqi petroleum and petroleum products are contained in Annex II, which constitutes an integral part of this Memorandum.

Section V

Procurement and confirmation procedures

19. The purchase of medicine, health supplies, foodstuffs, and materials and supplies for essential civilian needs of the Iraqi population throughout the country, as referred to in paragraph 20 of resolution 687 (1991), will, subject to paragraph 20 below, be carried out by the Government of Iraq, will follow normal commercial practice and be on the basis of the relevant resolutions of the Security Council and procedures of the 661 Committee.

20. The purchase of humanitarian supplies for the three northern Governorates of Arbil, Dihouk and Suleimaniyeh, as provided for in the Distribution Plan, will be carried out in accordance with Annex I.

21. The Government of Iraq will, except as provided for in paragraph 20, contract directly with suppliers to arrange the purchase of supplies, and will conclude the appropriate contractual arrangements.

22. Each export of goods to Iraq shall be at the request of the Government of Iraq pursuant to paragraph 8 (a) of the Resolution. Accordingly, exporting States will submit all relevant documentation, including contracts, for all goods to be exported under the Resolution to the 661 Committee for appropriate action according to its procedures. It is understood that payment of the supplier from the "Iraq Account" can take place only for items purchased by Iraq that are included in the categorized list referred to in Section II of the present Memorandum. Should exceptional circumstances arise, applications for the export of additional items may be submitted to the 661 Committee for its consideration.

23. As noted above, the 661 Committee will take action on applications for the export of goods to Iraq in accordance with its existing procedures subject to future modifications under paragraph 12 of the Resolution. The 661 Committee will inform the Government of Iraq, requesting States, and the Secretary-General of the actions taken on the requests submitted.

24. After the 661 Committee has taken action on the applications for export in accordance with its procedures, the Central Bank of Iraq will request the bank holding the "Iraq Account" to open irrevocable letters of credit in favour of the beneficiaries. Such requests shall be referred by the bank holding the "Iraq Account" to the United Nations Secretariat for approval of the opening of the letter of credit by the latter bank, allowing payment from the "Iraq Account" upon presentation of credit-conform documents. The letter of credit will require as condition of payment, inter alia, the submission to the bank holding the "Iraq Account" of the documents to be determined by the procedures established by the 661 Committee, including the confirmations by the agents referred to in paragraph 25 below. The United Nations, after consultations with the Government of Iraq, shall determine the clause to be inserted in all purchase orders, contracts and letters of credit regarding payment terms from the "Iraq Account". All charges incurred in Iraq are to be borne by the applicant, whereas all charges outside Iraq are for the account of the beneficiary.

25. The arrival of goods in Iraq purchased under the plan will be confirmed by independent inspection agents to be appointed by the Secretary-General. No payments can be made until the independent inspection agents provide the Secretary-General with authenticated confirmation that the exported goods concerned have arrived in Iraq.

26. The independent inspection agents may be stationed at relevant Iraqi entry points, customs areas or other locations where the functions set out in paragraph 27 of this Section can be performed. The number and location of the stationing points for the agents will be designated by the United Nations after consultations with the Government of Iraq.

27. The independent inspection agents will confirm delivery to Iraq of shipments. They will compare the appropriate documentation, such as bills of lading, other shipping documents or cargo manifests, and the documents issued by the 661 Committee, against goods actually arriving in Iraq. They will also have the authority to perform duties necessary for such confirmation, including: quantity inspection by weight or count, quality inspection including visual inspection, sampling, and, when necessary, laboratory testing.

28. The inspection agents will report all irregularities to the Secretary-General and to the 661 Committee. If the problem is related to normal commercial practice (e.g., some shortlanded goods), the 661 Committee and the Government of Iraq are informed, but normal commercial resolution practices (e.g., claims) go forth. If the matter is of serious concern, the independent inspection agents will hold the shipment in question pending guidance from the 661 Committee.

29. As regards the export to Iraq of parts and equipment which are essential for the safe operation of the Kirkuk-Yumurtalik pipeline system in Iraq, the requests will be submitted to the 661 Committee by the national Government of the supplier. Such requests will be considered for approval by the Committee in accordance with its procedures.

30. If the 661 Committee has approved a request in accordance with paragraph 29, the provisions of paragraph 24 shall apply. However, since the supplier can expect payment against future oil sales, as stated in paragraph 10 of the Resolution, the proceeds of which are to be deposited in the "Iraq Account", the bank holding the "Iraq Account" will issue an irrevocable letter of credit stipulating that payment can only be effected when at the time of drawing the "Iraq Account" has sufficient disposable funds and the United Nations Secretariat approves the payment.

31. The requirement of authenticated confirmation of arrival provided for in this Section shall apply also to the parts and equipment mentioned in paragraph 29.

Section VI

Distribution of humanitarian supplies purchased under the Distribution Plan

32. The distribution of humanitarian supplies shall be undertaken by the Government of Iraq in accordance with the Distribution Plan referred to in Section II of the present Memorandum. The Government of Iraq will keep the United Nations observation personnel informed about the implementation of the plan and the activities that the Government is undertaking.

33. The distribution of humanitarian supplies in the three northern Governorates of Arbil, Dihouk and Suleimaniyeh shall be undertaken by the United Nations Inter-Agency Humanitarian Programme on behalf of the Government of Iraq under the Distribution Plan with due regard to the sovereignty and territorial integrity of Iraq in accordance with Annex I.

Section VII

Observation of the equitable distribution of humanitarian supplies and determination of their adequacy

GENERAL PROVISIONS

34. The United Nations observation process will be conducted by United Nations personnel in Iraq under the overall authority of the Department of Humanitarian Affairs at United Nations Headquarters in New York in accordance with the provisions described below. Such observation shall apply to the distribution of humanitarian supplies financed in accordance with the procedures set out in the Resolution.

35. The objectives of the United Nations observation process shall be:

(a) to confirm whether the equitable distribution of humanitarian supplies to the Iraqi population throughout the country has been ensured;

(b) to ensure the effectiveness of the operation and determine the adequacy of the available resources to meet Iraq's humanitarian needs.

OBSERVATION PROCEDURES

36. In observing the equitable distribution and its adequacy, United Nations personnel will use, inter alia, the following procedures.

Food items

37. The observation of the equitability of food distribution will be based on information obtained from local markets throughout Iraq, the Iraqi Ministry of Trade, the information available to the United Nations and its specialized agencies on food imports, and on sample surveys conducted by United Nations personnel. The observation will also include the quantity and prices of food items imported under the Resolution.

38. To provide regular updated observation of the most pressing needs, a survey undertaken by United Nations agencies in cooperation with the appropriate Iraqi ministries will serve as a baseline for the continuing observation of nutritional status of the population of Iraq. This information will take account of public health data generated by the Ministry of Health (MOH) and the relevant United Nations agencies.

Medical supplies and equipment

39. Observation regarding distribution of medical supplies and equipment will focus on the existing distribution and storage system and will involve visits to hospitals, clinics as well as medical and pharmaceutical facilities where such supplies and equipment are stored. Such observation will also be guided by health statistics data from MOH and surveys by relevant United Nations agencies.

Water/sanitation supplies and equipment

40. Observation of distribution of water/sanitation supplies and equipment will focus on the determination that they are used for their intended purposes. Confirmation will be carried out by collecting data on the incidence of water-borne diseases and by water quality control checks by visits to water and sanitation facilities by representatives of relevant United Nations agencies. In this regard the United Nations will rely on all relevant indicators.

Other materials and supplies

41. With reference to materials and supplies which do not fall within the three areas indicated above, in particular, those needed for the rehabilitation of infrastructures essential to meet humanitarian needs, observation will focus on confirmation that such materials and supplies are delivered to the predefined destinations in accordance with the Distribution Plan and that they are used for their intended purposes, and on the determination of whether these materials and supplies are adequate or necessary to meet essential needs of the Iraqi population.

COORDINATION AND COOPERATION

42. The United Nations observation activities will be coordinated by the Department of Humanitarian Affairs at United Nations Headquarters in New York. Observation will be undertaken by United Nations personnel. The exact number of such personnel will be determined by the United Nations taking into account the practical requirements. The Government of Iraq will be consulted in this regard.

43. The Iraqi authorities will provide to United Nations personnel the assistance required to facilitate the performance of their functions. United Nations personnel will coordinate with the Iraqi competent authorities.

44. In view of the importance of the functions which United Nations personnel will perform in accordance with the provisions of this Section of the Memorandum, such personnel shall have, in connection with the performance of their functions, unrestricted freedom of movement, access to documentary material which they find relevant having discussed the matter with the Iraqi authorities concerned, and the possibility to make such contacts as they find essential.

Section VIII

Privileges and Immunities

45. In order to facilitate the successful implementation of the Resolution the following provisions concerning privileges and immunities shall apply:

(a) officials of the United Nations and of any of the Specialized Agencies performing functions in connection with the implementation of the Resolution shall enjoy the privileges and immunities applicable to them under Articles V and VII of the Convention on the Privileges and Immunities of the United Nations, or Articles VI and VIII of the Convention on the Privileges and Immunities of the Specialized Agencies to which Iraq is a party;

(b) independent inspection agents, technical experts and other specialists appointed by the Secretary-General of the United Nations or by heads of the Specialized Agencies concerned and performing functions in connection with

the implementation of the Resolution, whose names will be communicated to the Government of Iraq, shall enjoy the privileges and immunities accorded to experts on mission for the United Nations or for the Specialized Agency under Article VI of the Convention on the Privileges and Immunities of the United Nations or the relevant Annexes of the Convention on the Privileges and Immunities of the Specialized Agencies respectively;

(c) persons performing contractual services for the United Nations in connection with the implementation of the Resolution, whose names will be communicated to the Government of Iraq, shall enjoy the privileges and immunities referred to in sub-paragraph (b) above concerning experts on mission appointed by the United Nations.

46. In addition, officials, experts and other personnel referred to in paragraph 45 above shall have the right of unimpeded entry into and exit from Iraq and shall be issued visas by the Iraqi authorities promptly and free of charge.

47. It is further understood that the United Nations and its Specialized Agencies shall enjoy freedom of entry into and exit from Iraq without delay or hindrance of supplies, equipment and means of surface transport required for the implementation of the Resolution and that the Government of Iraq agrees to allow them to, temporarily, import such equipment free of customs or other duties.

48. Any issue relating to privileges and immunities, including safety and protection of the United Nations and its personnel, not covered by the provisions of this Section shall be governed by paragraph 16 of the Resolution.

Section IX

Consultations

49. The Secretariat of the United Nations and the Government of Iraq shall, if necessary, hold consultations on how to achieve the most effective implementation of the present Memorandum.

Section X

Final clauses

50. The present Memorandum shall enter into force following signature, on the day when paragraphs 1 and 2 of the Resolution become operational and shall remain in force until the expiration of the 180 day period referred to in paragraph 3 of the Resolution.

51. Pending its entry into force, the Memorandum shall be given by the United Nations and the Government of Iraq provisional effect.

SIGNED this 20th day of May 1996 at New York in two originals in English.

For the United Nations

(Signed) Hans CORELL
Under-Secretary-General
The Legal Counsel

For the Government of Iraq

(Signed) Abdul Amir AL-ANBARI
Ambassador Plenipotentiary
Head of the Delegation of Iraq

Annex I

1. In order to ensure the effective implementation of paragraph 8 (b) of the Resolution, the following arrangements shall apply in respect of the Iraqi Governorates of Arbil, Dihouk and Suleimaniyeh. These arrangements shall be implemented with due regard to the sovereignty and territorial integrity of Iraq, and to the principle of equitable distribution of humanitarian supplies throughout the country.

2. The United Nations Inter-Agency Humanitarian Programme shall collect and analyze pertinent information on humanitarian needs in the three northern Governorates. On the basis of that information, the Programme will determine the humanitarian requirements of the three northern Governorates for discussion with the Government of Iraq and subsequent incorporation in the Distribution Plan. In preparing estimates of food needs, the Programme will take into consideration all relevant circumstances, both within the three northern Governorates and in the rest of the country, in order to ensure equitable distribution. Specific rehabilitation needs in the three northern Governorates shall receive the necessary attention.

3. Within a week following the approval of the Distribution Plan by the Secretary-General, the Programme and the Government of Iraq will hold discussions to enable the Programme to determine how the procurement of humanitarian supplies for the three northern Governorates can be undertaken most efficiently. These discussions should be guided by the following considerations. The bulk purchase by the Government of Iraq of standard food commodities and medicine may be the most cost-effective means of procurement. Other materials and supplies for essential civilian needs, specifically required for the three northern Governorates, may be more suitably procured through the United Nations system in view of technical aspects related to their proper use.

4. To the extent that purchases and deliveries are made by the Government of Iraq in response to the written communication of the Programme, an amount corresponding to the cost of the delivered goods will be deducted from the amount allocated to the Programme from the "Iraq Account".

5. Humanitarian supplies destined for distribution in the three northern Governorates shall be delivered by the Programme to warehouses located within these Governorates. Such supplies can also be delivered by the Government of Iraq or the Programme, as appropriate, to warehouses in Kirkuk and Mosul. The warehouses shall be managed by the Programme. The Government of Iraq shall ensure the prompt customs and administrative clearances to enable the safe and quick transit of such supplies to the three northern Governorates.

6. The Programme shall be responsible in the three northern Governorates for the storage, handling, internal transportation, distribution and confirmation of equitable distribution of humanitarian supplies. The Programme will keep the Government of Iraq informed on the implementation of distribution.

7. Whenever possible and cost-effective, the Programme shall use appropriate local distribution mechanisms which are comparable to those existing in the rest

of Iraq in order to effectively reach the population. Recipients under this arrangement will pay a fee for internal transportation, handling, and distribution as in the rest of the country. The Programme shall ensure that the special needs of internally displaced persons, refugees, hospital in-patients and other vulnerable groups in need of supplementary food are appropriately met, and will keep the Government of Iraq informed.

8. The Programme will observe that humanitarian supplies are used for their intended purposes, through visits to sites and by collecting relevant data. The Programme will report to the Department of Humanitarian Affairs at United Nations Headquarters in New York and the Government of Iraq any violation observed by the Programme.

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Annex II

1. The State concerned or, if the 661 Committee so decides, the national petroleum purchaser authorized by the 661 Committee, shall submit to the Committee for handling and approval the application, including the relevant contractual documents covering the sales of such petroleum and petroleum products, for the proposed purchase of Iraqi petroleum and petroleum products, endorsed by the Government of Iraq or the Iraqi State Oil Marketing Organization (hereinafter SOMO) on behalf of the Government. Such endorsement could be done by sending a copy of the contract to the 661 Committee. The application shall include details of the purchase price at fair market value, the export route, opening of a letter of credit payable to the "Iraq Account", and other necessary information required by the Committee. The sales of petroleum and petroleum products shall be covered by contractual documents. A copy of these documents shall be included in the information provided to the 661 Committee together with the application for forwarding to the independent inspection agents described in paragraph 4 of this Annex. The contractual documents should contain the following information: quantity and quality of petroleum and petroleum products, duration of contract, credit and payment terms and pricing mechanism. The pricing mechanism for petroleum should include the following points: marker crude oil and type of quotations to be used, adjustments for transportation and quality, and pricing dates.

2. Irrevocable confirmed letters of credit will be opened by the oil purchaser's bank with the irrevocable undertaking that the proceeds of the letter of credit will be paid directly to the "Iraq Account". For this purpose, the following clauses will have to be inserted in each letter of credit:

"- Provided all terms and conditions of this letter of credit are complied with, proceeds of this letter of credit will be irrevocably paid into the "Iraq Account" with ..... Bank."

"- All charges within Iraq are for the beneficiary's account, whereas all charges outside Iraq are to be borne by the purchaser."

3. All such letters of credit will have to be directed by the purchaser's bank to the bank holding the "Iraq Account" with the request that the latter adds its confirmation and forwards it to the Central Bank of Iraq for the purpose of advising SOMO.

4. The sale of petroleum and petroleum products originating in Iraq will be monitored by United Nations independent oil experts appointed by the Secretary-General of the United Nations to assist the 661 Committee. The monitoring of oil exports will be carried out by independent inspection agents at the loading facilities at Ceyhan and Mina al-Bakr and, if the 661 Committee so decides, at the pipeline metering station at the Iraq-Turkey border, and would include quality and quantity verification. They would authorize the loading, after they receive the information from the United Nations oil experts that the relevant contract has been approved, and report to the United Nations.

5. The United Nations will receive monthly reports from SOMO on the actual volume and type of petroleum products exported under the relevant sales contracts.

6. The United Nations Secretariat and SOMO shall maintain continuing contact and in particular United Nations oil experts shall meet routinely with SOMO representatives to review market conditions and oil sales.

Letter dated 22 May 1996 from the Head of delegation of Iraq addressed to the Legal Counsel

In reference to the memorandum of understanding signed today and as I advised you during the discussion that a letter would be sent to you concerning the position of Iraq as to the cost of production and transportation of oil inside Iraq, I state below Iraq's position, which I request that you include in the official record of our discussion:

The Iraqi delegation explained during the discussion that the cost of production and transportation of petroleum excluding expenses in local currency, is currently estimated at US$ 2.00 per barrel. Such cost had to be deducted from the sale price or recovered through the production and export of extra quantity of petroleum and petroleum products. In either case the amount referred to above would be deposited in the "Iraq account" to be utilized for the import of spare parts and other items necessary for the maintenance and sustaining of production and transportation operations as is the established practice in the oil industry, otherwise production and transportation operations would be hindered and eventually come to a halt.

Nevertheless, and in order to facilitate the conclusion of this memorandum of understanding, the Iraqi delegation agreed not to insist on the acceptance of its position by the United Nations Secretariat delegation at this stage and agreed to have it included in a separate letter addressed to the Head of the delegation of the United Nations Secretariat for consideration in any future discussion.

Although the matter is not discussed, the Iraqi delegation wishes to state that a third outlet for Iraqi petroleum export could be via the Syrian Arab Republic.

(Signed) Ambassador A. Amir ANBARI
Head of the Delegation of Iraq

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LETTER DATED 20 MAY 1996 FROM THE PERMANENT REPRESENTATIVE OF CROATIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

In accordance with instructions from my Government I have the honour to inform you that the Croatian Sabor adopted on 17 May 1996 a law that grants amnesty to all persons who committed crimes between 17 August 1990 and 1 June 1996 in the last remaining occupied part of Croatian territory, presently under the temporary administration of the United Nations Transitional Authority in Eastern Slavonia, Baranja and Western Sirmium (UNTAES).

The "Act Applicable to the Perpetrators of Criminal Acts in the Area of Eastern Slavonia, Baranja and Western Sirmium", excludes persons who are suspected of violations of international humanitarian law and the laws of war.

My Government hopes that this step will contribute positively to its policy, and the policy of the Council, peacefully to reintegrate Eastern Slavonia, Baranja and Western Sirmium into Croatia.

May I ask for your kind assistance in distributing this letter as a document of the Security Council.

(Signed) Mario NOBILO
Ambassador
Permanent Representative

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